

FILEDUnited States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court**UNITED STATES DISTRICT COURT**

for the

District of New Mexico



United States of America

v.

Ashley MOYA
SSN:XXX-XX-2828
DOB: XX/XX/1990

Case No. 23-MJ-1642

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/28/2023 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:*Code Section*
18 U.S.C. § 751

Escape

*Offense Description*This criminal complaint is based on these facts:
See attached affidavit.☒ Continued on the attached sheet.*Complainant's signature*

Deputy Rene Luna, USMS

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/16/2023City and state: Albuquerque, New Mexico*Judge's signature*

Hon. Karen B. Molzen, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT**

I, Rene Luna, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Deputy United States Marshal with the United States Marshal Service (USMS) and have been since August 30, 2020. I have received and completed training at the Federal Law Enforcement Training Academy (FLETC) as a criminal investigator. During my tenure with the USMS, I have investigated and assisted in the apprehension of federal, state, and local fugitives to include but not limited to sex offenders, gang members, violent repeat offenders, and those with extensive criminal history. Some of these investigations have required me to submit court orders and/or affidavits to further investigations on such fugitives.

2. The facts in this affidavit come from my personal observations, and my review of United States District Court records, official BOP records and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

3. Based on the facts set forth in this affidavit, there is probable cause to believe that on or about May 28, 2023, Ashley Moya (MOYA) knowingly escaped from the custody of the Federal Bureau of Prisons (BOP) in which she was confined by the direction of a United States District Court Judge. These actions taken by MOYA are in violation of 18 U.S.C. § 751(a).

PROBABLE CAUSE

4. On August 03, 2022, MOYA entered into a Rule 11(c)(1)(C) plea agreement in which she agreed to plead guilty to Counts 1 and 2 of the indictment charging her with

Carjacking, Aiding and Abetting; and Attempted Carjacking, Aiding and Abetting, in violation of 18 U.S.C. §§ 2119 and 2.

5. On December 08, 2022, MOYA appeared and was sentenced before a United States District Court Judge, within the District of New Mexico. MOYA was committed to the custody of the BOP for a term of 37 months. MOYA was also set to serve a term of three years of supervised release following her release from BOP custody.

6. The BOP is part of the United States Department of Justice, which is headed by the United States Attorney General.

7. On May 12, 2023, MOYA was placed at the Dismas Charities Diersen Residential Reentry Center (Diersen RRC) located at 2331 Menaul Blvd NE, Albuquerque, NM by the BOP to serve the last 180 days of her BOP custodial sentence. Upon intake, MOYA signed the Acknowledgement of Custody form that states “I understand that I am in the custody of the Attorney General of the United States. I further understand that leaving the RRC without permission of the Center Director or his/her authorized representative, shall be deemed an escape from the custody of the Attorney General.”

8. On May 28, 2023, at 11:21 PM, a head count was conducted at the Diersen RRC. MOYA was not in her bunk room and all her belongings were cleared out of her locker room. Diersen RRC staff contacted MOYA’s listed emergency contact, who informed Diersen RRC that she was unaware of MOYA’s current location. Diersen RRC then proceeded to contact local jails and hospitals in an attempt to locate MOYA. These endeavors yielded negative results. At that time, MOYA did not have any authorization to depart Diersen RRC from either the BOP or Diersen RRC staff.

9. On May 28, 2023, at approximately 5:55 AM, a Notice of Escaped Federal Prisoner flyer was issued to the USMS to begin looking for MOYA. The escape flyer listed MOYA's biographical information and was caveated with the fact that MOYA had a history of firearms and violence. Per an existing Memorandum of Understanding, the USMS is authorized to enter BOP escapees into the National Crime Information Center (NCIC) and conduct fugitive investigations to locate and apprehend BOP escapees. On May 28, 2023, MOYA was entered into NCIC as an escapee, with the intended purpose to locate and apprehend MOYA.

10. On November 12, 2023, the Albuquerque Police Department conducted a vehicle stop on a vehicle that was originally reported stolen. MOYA was located in the backseat of the vehicle as a passenger. MOYA was taken into custody and transported to the Metropolitan Detention Center in New Mexico.

11. On November 13, 2023, the USMS took custody of MOYA and transported her to the Pete V. Domenici United States Courthouse for processing on her warrant.

12. Based upon these facts, I have probable cause to believe that MOYA did knowingly and willfully escape from the custody of the United States Attorney General, or an authorized representative, institution or facility in which she was confined by direction of the Attorney General, in violation of 18 U.S.C. § 751.

Respectfully submitted,



Rene Luna
Deputy United States Marshal

Electronically signed and telephonically sworn on November 16, 2023



Honorable Karen B. Molzen
UNITED STATES MAGISTRATE JUDGE